

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**CLAYTON BENNETT, II**

*Plaintiff,*

vs.

**JAMES RIVER INSURANCE COMPANY**

*Defendant.*

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**Civil Action No. 3:17-CV-1931-G**

**JOINT RULE 41 STIPULATION OF DISMISSAL WITH PREJUDICE**

TO THE HONORABLE COURT:

COMES NOW Plaintiff Clayton Bennett, II (“Plaintiff”) jointly with Defendant James River Insurance Company (“Defendant”) (collectively, the “Parties”) with this Joint Rule 41 Stipulation of Dismissal with Prejudice.

This is an insurance dispute regarding underinsured motorist benefits. On April 25, 2017, Plaintiff commenced an action in the 298th District Court of Dallas, Texas, Cause No. DC-17-04787 against Defendant seeking judgment against Defendant for injuries that Plaintiff allegedly suffered as a result of a motor vehicle collision that occurred on June 22, 2015. Plaintiff’s claims against Defendant are based upon claims of entitlement to underinsured motorist benefits under a policy issued by Defendant, and Defendant’s conduct and handling of same. Defendant denies that Plaintiff is entitled to the relief sought and that it has a duty to indemnify Plaintiff.

Plaintiff and Defendant have voluntarily agreed to resolve the disputes at issue. Therefore, the Parties file this Joint Rule 41 Stipulation of Dismissal with Prejudice.

Federal Rule of Civil Procedure 41 provides that an action may be dismissed by the filing of “a stipulation of dismissal signed by all parties who have appeared”. FED. R. CIV. P. 41(a)(1)(ii); *see*

also *Yesh Music v. Lakewood Church*, 727 F.3d 356, 362 (5th Cir. 2013). A court order is not necessary when the parties to the lawsuit file a stipulation of dismissal under Rule 41(a)(1)(ii). *Yesh Music*, 727 F.3d at 362.

Therefore, the Parties jointly stipulate that this case shall be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii).

WHEREFORE, the Parties pray that the Court take notice of this Joint Rule 41 Stipulation of Dismissal with Prejudice, and grant the Parties any other and further relief, at law or in equity, to which they are justly entitled.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 12, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will electronically send notification to the all counsel of record.

/s/ Lisa A. Songy

Lisa A. Songy